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GENERAL COUNSEL'S OPINION NUMBER 55-23, DATED 11 APRIL 1955

The cost of treatment of injuries of an Agency employee assigned to a foreign post, incurred while engaged in recreation, is reimbursable under the provisions of the CIA Act.

TO THE CHIEF, MEDICAL STAFF

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1. Reference is made to your request for our comments concerning the claim of G., Personnel Office Claim No. 54-107.



STATOTHR

Section 5(a)(5)(C) of P.L. 110 is substantially adapted from Section 941 of the Foreign Service Act. Under the authority of Section 941 of the Act, Foreign Service Regulations state that "incurred in line of duty" means incurred while assigned abroad or materially aggravated by foreign service duties in which the employee has engaged.

4. We agree with the policy of the Office of Personnel of being more demanding in ascertaining the facts surrounding injuries or illnesses incurred while off duty. Such a policy is in concord with Foreign Service Regulations, which state as conditions of eligibility for reimbursement that the injury must not be the result of negligence on the part of the employee, nor the result of taking an unwarranted risk. This requirement is in addition to that stated in the statutes, that it not be "the result of vicious habits, intemperance, or misconduct."

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LAWRENCE R. HOUSTON
General Counsel

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